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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

STRANGE, AARON N

ART UNIT PAPER NUMBER

2153

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center"><b>Office Action Summary</b></p>	<p><b>Application No.</b></p> <p>09/628,352</p>	<p><b>Applicant(s)</b></p> <p>NODA ET AL.</p>	
	<p><b>Examiner</b></p> <p>Aaron Strange</p>	<p><b>Art Unit</b></p> <p>2153</p>	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,5-8,10,11 and 13-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-8,10,11 and 13-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| <p>1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br/> Paper No(s)/Mail Date _____.</p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413)<br/> Paper No(s)/Mail Date. _____.</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application</p> <p>6) <input type="checkbox"/> Other: _____.</p> |
|--|---|

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 2/16/06 and 6/14/06 have been fully considered but they are not persuasive.

2. In the interest of expedited prosecution, the Examiner would like to note that the grounds of rejection, though based on the same reference, have been modified, due to Applicant's amendments.

The "move instructions" disclosed by Suzuki (at least Col 5, Lines 34-49) have been interpreted as the claimed "control instructions", since they control the display of each of the avatars at the users station.

The "move messages" disclosed by Suzuki (at least Col 6, Lines 40-58) have been interpreted as the claimed "operation instructions", since they are sent to the other users in order to facilitate updating of their own views.

3. With regard to Applicant's argument that Suzuki does not disclose a "plurality" of move messages, the Examiner respectfully disagrees. As discussed in the Advisory Action of 11/16/05, Suzuki clearly discloses generating a plurality of move messages (at least Col 7, Lines 61-65). Furthermore, even if it is assumed that all of the sent move messages are identical, a plurality of identical messages is still a plurality of messages.

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4. With regard to Applicant's assertion that "the present invention transmits the...control instructions and the...operation instructions" (emphasis added) (Page 11 of Remarks), it should be noted that no such limitation appears the present claims. All of the independent claims clearly claim transmission control instructions and/or operation instructions. The phrase "and/or" has the same meaning as "or", and a very different meaning from the argued term "and".

5. Applicant's arguments with respect to claims 1,10,11,12 and 19 are unpersuasive for at least the reasons discussed above with respect to claim 5.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. With regard to claim 20, the preamble refers to "The chat administration device according to claim 19", but claim 19 claims "a system".

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1,5, 7, 8,10-12 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki et al. (US 5,736,982).

11. In referring to claim 5 and 10-12, Suzuki shows a server controlling the display of avatars on each respective terminal depending of each avatars position and viewing point in a virtual space (see abstract). Suzuki show:

An association table (figure 7, 12E, fig. 5 53A, 53B) that relationally stores a predetermined event (movement vectors) occurring in a chat space with participating chat devices, a plurality of predetermined control instructions(move instructions) (Col 5, Lines 34-49), and a plurality of predetermined different correlated operation instructions that correspond to the predetermined event (move messages) (Col 6, Lines 40-58),

wherein the plurality of predetermined control instructions correspond to a plurality of types of image representations and/or physical representations among the chat devices (move instructions move the view of the user), and the plurality of

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predetermined different correlated operation instructions correspond to a plurality of different chat device destinations to operate image representation of chat participants that are installed in the chat device destinations (views of all chat participants are updated when others move) (col. 5 lines 50-col. 6 lines 21),

A chat event detector detecting a predetermined event in the chat space, based on the association table (col. 6 lines 1-6, detecting which avatars are moving, have moved into or moved out or a respective avatars viewing space),

an operation instruction determiner determining the plurality of the different operation instructions for the detected event, based on the association table (col. 8 lines 15- col. 9 line 16, fig. 9a-9f, not all users having the same viewing point, therefore each user receiving a different instructions to display their specific viewing point of the virtual space and the movements therein),

a destination determiner determining the corresponding plurality of the different chat device destinations to be transmitted the determined plurality of the different operation instructions, based on the association table (fig. 5, 53A, 53b, see also col. 8 line 15- col. 9 line 16 for representation of different viewing points of each user within a virtual space),

a transmitter transmitting the determined plurality of the different control instructions and/or determined plurality of the different operation instructions corresponding to the event via a chat system to determined corresponding chat device destinations to operate the image representation of the chat participant that are installed in the chat device destinations (col. 5 lines 50-67).

12. In referring to claim 7, Suzuki shows a controller selecting a plurality of operations instructions that correspond to the events (movement) in the chat space to operations the image representations of the chat participants, based on predetermined conditions when the plurality of the operation instructions occur with the same chat device as a chat device destination, and sending the selected plurality of the operation instructions to the same chat device (col. 9F, col. 9 lines 5-10, plurality of avatars in view).

13. In referring to claim 8, Suzuki shows:

Image representations of chat participant are installed in one of the chat devices, the destination determiner determines on the plurality of the image representations of the chat participant to operate from among the image representations of the participant, based on the detected event (col. 7 lines 15-45, based on movement server determines display avatars in eyes view),

The transmitter sends a determined operations instruction including a specification of the image representations of the chat participant to the corresponding chat device destination to operate therein the specified image representation of the chat participant (col. 8 lines 15- col. 9 line 16, fig. 9a-9E shows various view points).

14. Claims 1 and 19 are rejected under the same rationale as claim 5, since they recite substantially identical subject matter. Any differences between the claims do not

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result in patentably distinct claims and all of the limitations are taught by the above cited art.

15. Claims 2 and 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of Toomey et al. (US 6,119,147).

16. In referring to claims 2 and 6, Suzuki further discloses originating and destination addresses that accompany the instructions when sent (inherent in sending data over a network). However, Suzuki fails to specifically disclose sending an event detection time with the instructions and addresses.

Toomey teaches sending an event detection time along with instructions to a recipient in order to record the time the event occurred so a history of a meeting can be developed. This allows users to determine the order of events and replay the meeting (at least Col 6, Lines 5-27). This would have been an advantageous addition to the system disclosed by Suzuki since it would have allowed users of the system to determine the actual time of events occurring during a meeting.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to send an event detection time along with the instructions in order to create a history of events that happened during a meeting, which could subsequently be used, for example, to replay the meeting.



17. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of Applicant's Admitted Prior Art.

18. The Examiner took Official Notice of the following in the Office action of 6/16/2005. Applicant failed to adequately traverse this assertion in the subsequent responses of 2/16/06 or 6/1/06. Therefore, it has been taken that Applicant admits that one of ordinary skill in the art would have known to detect the number of chat participants exceeds a predetermined number, a change in mode of a topic, a statement of a chat participant nickname or name, chatting is frequent, and specifying a chat participant image representation.

19. Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of Shio.

Although Suzuki shows substantial features of the claimed invention, Suzuki does not show detecting overlapping events. Nonetheless this feature is well known in the art, and would have been an obvious modification to the system disclosed by Suzuki as evidenced by Shio.

In an analogous art Shio shows a virtual conferencing system for displaying animated characters within a virtual space (see abstract, fig. 7) Shio shows a method for handling a plurality of events which occur at the same time as overlapping events, wherein the operation instruction determiner processes the detected overlapping events according to a specified event processing method (col. 9 line 61- col. 10 line 13).

Given this feature, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system shown by Suzuki to employ the feature shown by Shiio, in order to effectively communicate in a virtual space with other user in real world manner which allows users to take turns speaking, thereby allowing everyone in a virtual space to heard.

20. In referring to claim 15, Shiio shows overlapping events executed sequentially according to priority (col. 9 lines 65- col. 10 line 5).

21. In referring to claim 16 and 17, Shiio shows selection criteria for selecting one of a plurality of the detected overlapping events (col. 9 lines 61- col. 10 line 39) according to:

If same event occurs within a specified time period, ignoring second and subsequent occurrence of the same event (col. 9 line 65- col. 10 line 1, lower priority event is not executed in preference for higher priority event),

Selecting a first event within a specified time (selecting event with higher priority),

Selecting one of the detected overlapping events according to a priority assigned to each event in the association table (col. 10 lines 14-23).

***Allowable Subject Matter***

22. Claim 20 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

**Conclusion**

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Strange whose telephone number is 571-272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AS  
9/1/06



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PRIMARY EXAMINER